

**INSTRUCTIONS FOR APPLICATION FOR HISTORIC ROAD
ACROSS STATE TRUST LANDS
NON-REFUNDABLE \$50.00 APPLICATION FEE REQUIRED**

Per §77-1-130, applications for permanent, non-exclusive easements for access roads (county/private) located on state trust lands prior to 1997 will be accepted by the Department of Natural Resources and Conservation (DNRC) until October 1, 2011. Processing of these applications is expected to take some time and the above-referenced statute grants DNRC until October 1, 2016 to do so.

When accepting applications for historic road easements, the following is required:

- An original and one copy of the application form, including a notarized affidavit by the applicant.
- Two copies of an aerial photograph taken before 1997 by an agency of the United States that clearly shows the location of the road. The aerial photograph must be labeled with a North arrow, be dated and the flight line data indicated on the photo.
- Two copies of the most recent USGS Quadrangle map with location of the facility and North arrow shown thereon. The map must also include the name of the quad and date. You may also submit a GPS survey with a statement of the model of unit used and the level of accuracy. Contact should be made with the appropriate DNRC Area Office prior to submittal of an application to determine whether a licensed surveyor's or professional engineer's seal will be required in addition to the information on the GPS unit utilized.
- If more recent aerial photos or quadrangle maps do not depict the roadway, other documentation which proves existence of the access road prior to 1997 may be provided. Examples of such are:
 - Early aerial photographs;
 - Early USGS Quadrangle maps or other available maps;
 - Property surveys previous to 1997;
 - GPS maps generated prior to 1997 with a statement of the model of unit used and the level of accuracy.
 - County roads may submit documentation relevant to the petition and creation of county roads, including county road maps.
- For private access roads, a legal description of applicant's private lands (e.g. shown on tax statements or property title documents) being accessed must be provided.
- Additional information as to the current condition of the road and the use/purpose of access must also be provided.

The DNRC is always open to exploring opportunities to exchange access easements when beneficial to both DNRC and an applicant. A form is attached to this application for the purposes of determining potential reciprocal easements. If interested, please contact the DNRC office that has jurisdiction over the county your request is located in and/or complete this form and submit it with this application.

Compensation for historic roads will be calculated by multiplying the amount of acreage encumbered by the easement area times the current fair market values of the land crossed or by applying the minimum charge of \$100 per section of state land crossed, whichever is greater.

Minimum widths for easement will be negotiated between the DNRC and applicant as well as road standards and maintenance issues.

If crossing multiple sections of state land, you must submit separate applications for each section crossed. Acreage encumbered by the requested easement must be calculated for each section. The applicable aerial photos and maps must be attached to each application for the portion of the section crossed by the road.

A permanent non-exclusive easement may only be issued for the existing condition and use of the road. If a historic easement is granted, any expansion of use or upgrade of the road will require amendment of the historic easement under the process outlined in §77-2-101 MCA.

APPLICATION FOR HISTORIC RIGHT OF WAY EASEMENT FOR
ACCESS ROADS UPON STATE TRUST LANDS

(Non-Refundable Application Fee -- \$50.00)

NOTE: Pursuant to §77-1-130, Department review of historic easement requests may continue through October 1, 2016.

_____ **To the State**
Board of Land Commissioners
Montana Department of Natural Resources and Conservation

Application for a non-exclusive easement is hereby made under the provisions of Title 77,
Chapter 1, Section 130 of the Montana Code Annotated, by _____
_____ of
_____ for
a historic right of way easement located upon the following described state section:

Section _____, Township _____, Range _____, County of _____

(Please mark each quarter quarter that the road passes through on state land)

NW ¹ / ₄ NW ¹ / ₄ _____	NW ¹ / ₄ NE ¹ / ₄ _____	NW ¹ / ₄ SW ¹ / ₄ _____	NW ¹ / ₄ SE ¹ / ₄ _____
NE ¹ / ₄ NW ¹ / ₄ _____	NE ¹ / ₄ NE ¹ / ₄ _____	NE ¹ / ₄ SW ¹ / ₄ _____	NE ¹ / ₄ SE ¹ / ₄ _____
SW ¹ / ₄ NW ¹ / ₄ _____	SW ¹ / ₄ NE ¹ / ₄ _____	SW ¹ / ₄ SW ¹ / ₄ _____	SW ¹ / ₄ SE ¹ / ₄ _____
SE ¹ / ₄ NW ¹ / ₄ _____	SE ¹ / ₄ NE ¹ / ₄ _____	SE ¹ / ₄ SW ¹ / ₄ _____	SE ¹ / ₄ SE ¹ / ₄ _____

Government Lot(s) _____

R/W Width: _____ X R/W Length: _____ ÷ 43560 = _____ acres

Please complete the following:

Current condition of road is: (check all that apply)

☐ Two-Track Trail ☐ Bladed, Unimproved ☐ Improved, Graveled ☐ Paved/Blacktop

Road has provided access to the following previous to 1997: (check all that apply)

☐ Single-Family Residence ☐ Farm/Ranch Lands ☐ Subdivision ☐ Timber Management

☐ Public Traveled Way (County Road)

Attached is the following as documented evidence of use prior to 1997: (check all that apply)

☐ Dated Aerial Photograph ☐ Quadrangle Map ☐ Property Survey ☐ Other _____
with North Arrow & with name of Quad
Flight Line Data and date

☐ GPS Survey with statement of model used and level of accuracy attached

The legal description of the private lands being accessed are as follows:

_____ Sec. _____, Twp. _____, Rge. _____
_____ Sec. _____, Twp. _____, Rge. _____
_____ Sec. _____, Twp. _____, Rge. _____

If Subdivision: (May attach a separate listing if needed)

Lot # _____, Subdivision Name _____, COS # _____

Lot # _____, Subdivision Name _____, COS # _____

Lot # _____, Subdivision Name _____, COS # _____

My Commission Expires: _____